

Notice of Allowability

Application No.

10/759,667

Examiner

Janet L. Coppins

Applicant(s)

GOETZ ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' response of February 11, 2005.
2. ☒ The allowed claim(s) is/are 24.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

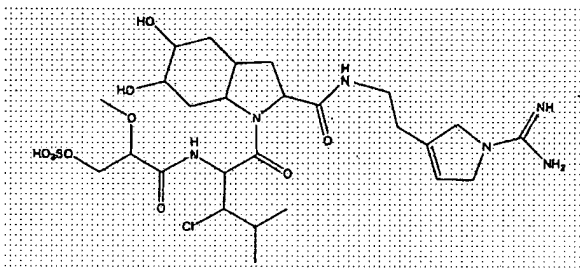
1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Claim 24 pending in the instant application.

Response to Amendment

1. Applicants had previously elected Group II, claim 24, drawn to a compound



that is an extract of a *Dysidea* sponge.

The Examiner notes with appreciation the cancellation of the non-elected subject matter from the claims.

Claim Rejections - 35 USC § 112

2. Claim 24 previously rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In view of the Applicants' amendment, the Examiner withdraws the rejection of the claim.

Allowable Subject Matter

3. In view of the Applicants' amendatory changes and cancellations, claim 24 is allowable, as newly renumbered claim 1. The following is an examiner's statement of reasons for allowance:

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This invention relates to novel compound that is an extract of a *Dysidea* sponge. The instant application is a divisional of U.S. Application No. 10/397,803, which has been found allowable and is now U.S. Pat. No. 6,716,869. The allowable compounds in this case are limited to the structure of claim 24. Amidino-pyrroline derivatives are known in the art as being effective arginine mimetics, and are useful for inhibiting thrombin, effective for preventing thrombin-induced coagulation, for treating thromboses or arteriosclerosis, for example. However the aspect of preparing the instant claimed amidino-pyrroline, which is derived from the *Dysidea* sponge, is novel and unobvious. After a thorough search, the closest of prior art, et al, U.S. 5,856,309 was found to teach similar amidino-pyrroline compounds as thrombin inhibitors. However the compounds of the instant application contain an alkyl moiety substituted with an oxo group and a halogen substituent off of the indole ring in the N-position, and are extracted from the *Dysidea* sponge, which distinguishes them from the reference. Therefore, the prior art does not fairly suggest the instant claimed amidino-pyrroline compounds, or methods of using them.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Janet L. Coppins
March 3, 2005


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600